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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

MICHAEL L. SMITH,

Petitioner,

v.

RENEE BAKER, et al.,

Respondents.

Case No. 3:13-cv-00246-RCJ-WGC

ORDER

This action is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On August 23, 2016, this court granted a stay and administratively closed petitioner Michael L. Smith's federal habeas corpus action while he litigated a state petition (ECF No. 39).

Smith's further state-court proceedings have concluded, and he has now returned to this court, through counsel, seeking to reopen this case (ECF No. 41). Petitioner has also submitted a proposed second-amended petition (ECF No. 41-1). Respondents do not oppose the re-opening of this case (ECF No. 42). Good cause appearing, this action is reopened, and the court now sets a further briefing schedule.

**IT IS THEREFORE ORDERED** that petitioner's motion to reopen this action (ECF No. 41) is **GRANTED**.

**IT IS FURTHER ORDERED** that, as the stay is lifted by this order, the Clerk shall REOPEN THE FILE in this action.


**IT IS FURTHER ORDERED** that the Clerk shall DETACH and FILE the second-amended petition (ECF No. 41-1).

**IT IS FURTHER ORDERED** that respondents shall have **forty-five (45) days** following the date of entry of this order within which to answer, or otherwise respond to, the second-amended petition.

**IT IS FURTHER ORDERED** that petitioner shall have **forty-five (45) days** following service of the response to file and serve petitioner's response.

**IT IS FURTHER ORDERED** that the parties SHALL SEND courtesy copies of all exhibits to the Reno Division of this court. Courtesy copies shall be mailed to the Clerk of Court, 400 S. Virginia St., Reno, NV, 89501, and directed to the attention of "Staff Attorney" on the outside of the mailing address label. Additionally, in the future, all parties shall provide courtesy copies of any additional exhibits submitted to the court in this case, in the manner described above.

**DATED: 23 July 2018.**

  
ROBERT C. JONES  
UNITED STATES DISTRICT JUDGE